

Marked-up copy of claim 1.

1. (Amended) A protective element, particularly for cycling shorts, comprising a double-stretch support with which at least one double-stretch padding is associated, said double-stretch padding being associable at said support by a high-frequency or thermoformation or ultrasound application method, said double-stretch padding being applied only at points where resting on a saddle of a bicycle occurs.

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Examiner: HOEY, ALISSA L
Group A.U.-3765
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Remarks

The Examiner's comments and grounds of rejection raised in the Office Action dated January 24, 2002 have been carefully considered by the Applicant. To further the prosecution of the present application, claim 1 has been amended.

It is observed that the Examiner rejected original claims 1-18 as being anticipated by Stewart et al. (US 5,551,082) and by Gibbens et al. (US 4,805,243).

Applicant's invention according to amended claim 1 now explicitly recites that the padding is associable at the support by means of high-frequency or thermoformation or ultrasound methods (such feature being originally claimed in claim 15) and that the padding is applied at points where resting on a bicycle saddle occurs (such feature being originally claimed in claim 16).

Neither of the cited prior art documents teaches a padding realized in such a manner. In fact, on the one hand Stewart discloses the use of a padding which differs from the Applicant's one in many essential features:

- Protection. Stewart's pads are properly placed to protect *the wearer's hips, coccyx, buttocks and lower torso generally* (specification column 2, line 53). Applicant's invention is intended to protect the wearer's crotch from the stresses due to prolonged contact with the saddle.
- Material. The material employed by Stewart is clearly defined as a *thermoformed, closed cell, high density foam* (specification column 4, line 65) while the Applicant's one is explicitly defined to be of *the open-cell high-density type* (specification page 4, line 9).
- Securing. Stewart discloses a pair of shorts with pads *fastened thereto with a suitable adhesive or by tacking with thread* (specification page 5, line 7-8). Applicant clearly states that high-frequency or thermoformation or ultrasound application method can be used.

On the other hand Gibbens discloses pants provided with an interchangeable pad on the crotch, said pad being retained in a pocket. According to the specification (column 2, lines 63-68) *for retention of the pads in place, main member is stitched to form pad receiving rear pockets. More specifically, the stitching defines the interior limits of pockets further defined by perimeter stitching*, while no stitching appears in the Applicant's claimed invention.

Such differences clearly establish novelty. With respect to inventiveness, Applicant believes that the mere juxtaposition of the two cited documents, never

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could lead to his own invention without an inventive activity. In fact too many differences occur both between the object of Stewart's invention and Gibbens's one and between the features of Stewart's invention and Applicant's one. Thus, even if one had used Gibbens's pants as a basis for Stewart's padding, he would have obtained a product completely different from the Applicant's invention.

Furthermore, Applicant points out that his invention as per claim 1 solves problems which still affected Stewart's and Gibbens' inventions. In fact, the absence of stitching permits the provision of a smooth inner surface which avoids any skin irritation, also after a long cycling practice. For the same reason Applicant avoids the use of adhesives as disclosed in Stewart's patent. In fact adhesives contain chemically aggressive substance like solvents and prolonged contact with skin, also due to sweating, can lead to annoying skin irritations.

It is seen that proposed amendments do not add new subject matter to the original disclosure.

In view of the foregoing, entry of the above amendment into the file and allowance of claim 1-14 and 17-18 is respectfully requested.

Should the Examiner believe that the application would be still pending because of minor deficiencies, an informal phone conversation or an Examiner's Amendment are kindly requested by the Applicant.

Respectfully submitted,



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